

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERETT HADIX, *et al.*,

Plaintiffs,

v.

PATRICIA L. CARUSO, *et al.*,

Defendants.

Case No. 4:92-CV-110

Hon. Richard Alan Enslen

PERMANENT INJUNCTION

In accordance with the Court's Findings of Fact and Conclusions of Law entered this date:

IT IS HEREBY ORDERED that the additional exhibits and post-hearing filings of the parties referenced in the Findings of Fact and Conclusions of Law are **ADMITTED** for the purpose of the record of the proceedings.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Order to Show Cause and Motion for Further Relief (Dkt. Nos. 2099 & 2105) are **GRANTED IN PART AND DENIED IN PART**.

IT IS FURTHER ORDERED that Defendants are held in contempt for violation of the JMF hiring requirements of the Preliminary Injunction Plan and Order of Jan. 12, 2006.

IT IS FURTHER ORDERED that Defendants, their agents and assigns, shall promptly remedy their contempt regarding the JMF hiring requirements subject to the coercive provisions of § IIB.5 of the Court's Findings of Fact and Conclusions of Law.

IT IS FURTHER ORDERED that Defendants are held in contempt regarding the full-time physician hiring requirement within the dialysis unit of the Preliminary Injunction Plan and Order of Jan. 12, 2006.

IT IS FURTHER ORDERED that Defendants, their agents and assigns, shall promptly remedy their contempt regarding the full-time physician position subject to the coercive provisions of § IIB.6 of the Court's Findings of Fact and Conclusions of Law.

IT IS FURTHER ORDERED that the terms of the Preliminary Injunction Plan and Order of Jan. 12, 2006 are **APPROVED AND ADOPTED** as the Final and Permanent Injunction in this matter together with the additions described herein.

IT IS FURTHER ORDERED that Defendants, their agents and assigns, are **HEREBY ENJOINED** to complete the implementation of SERAPIS as to DWH and C-Unit lab orders and medications, and to establish connectivity and utility of SERAPIS with the electronic systems of PharmaCorr, Inc. regarding on-going pharmacy services on or before February 1, 2007.

IT IS FURTHER ORDERED that Defendants, their agents and assigns, shall provide additional staffing throughout its *Hadix* facilities, and particularly, additional nursing staff; the exact staffing levels, shall be determined after further study and hearing. Defendants' staffing plan shall be filed within 90 days of this date, consistent with § IIC.2 of the Findings of Fact and Conclusions of Law.

IT IS FURTHER ORDERED that Defendants, their agents and assigns, shall redress delays in specialty care through a plan, to be filed within 90 days, which is accordance with § IIC.3 of the Findings of Fact and Conclusions of Law.

IT IS FURTHER ORDERED that Defendants, their agents and assigns, shall redress failed medical care, through a plan which creates an Office of the Independent Monitor on the grounds of the *Hadix* facilities, which Plan shall be consistent with the Court's instructions in § IIC.8 of the Findings of Fact and Conclusions of Law and which shall be filed within 90 days.

IT IS FURTHER ORDERED that all other relief sought by Plaintiffs is **DENIED**, though requests for heat-related remedies are **DENIED WITHOUT PREJUDICE** subject to further hearing.

DATED in Kalamazoo, MI:
December 7, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE